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Attorneys for Plaintiff
BLACKWATER LODGE AND TRAINING CENTER, INC., dba BLACKWATER WORLDWIDE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware corporation dba BLACKWATER WORLDWIDE, Plaintiff, v. KELLY BROUGHTON, in his capacity as Director of the Development Services Department of the City of San Diego; AFSANEH AHMADI, in her capacity as Chief Building Official of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, inclusive, Defendants.	Case No. 08 CV 0926 H (Wmc) **JOINT MOTION TO CONTINUE HEARING ON DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT** Date: July 21, 2008 Time: 10:30 a.m. Courtroom : 13 Judge: Hon. Marilyn L. Huff

Plaintiff Blackwater Lodge and Training Center, Inc. ("Plaintiff"), on the one hand, and Defendants Kelly Broughton (in his capacity as Director of the Development Services Department of the City of San Diego), Afsaneh Ahmadi (in her capacity as Chief Building Official of the City of San Diego), the Development Services Department of the City of San Diego and the City of San Diego (jointly, "Defendants"), on the other hand, jointly move to continue the hearing on Defendants' Motion to Dismiss Plaintiff's Complaint from July 21, 2008 to August 11, 2008.

WHEREAS, certain disputes and controversies have arisen between the parties with respect to Plaintiff's occupancy and utilization of the property located at 7685 Siempre Viva Road, Otay Mesa, California for the operation of a U.S. Navy training facility;

WHEREAS, these disputes led to Plaintiff filing a Complaint against Defendants seeking, *inter alia*, injunctive and declaratory relief on May 23, 2008 in this Court;

WHEREAS, pursuant thereto, on May 27, 2008, Plaintiff filed an *Ex Parte* Application for a temporary restraining order ("TRO") and an order to show cause regarding a preliminary injunction;

WHEREAS, on June 4, 2008, the Court issued a TRO;

WHEREAS, on June 17, 2008, the Court granted a preliminary injunction;

WHEREAS, on June 18, 2008, Defendants filed an appeal in the Ninth Circuit, appealing from the Court's order granting the preliminary injunction;

WHEREAS, on June 23, 2008, Defendants filed a Motion to Dismiss Plaintiff's Complaint, requesting a hearing date of July 21, 2008;

WHEREAS, due to the schedules of several counsel involved in the action, the parties will need additional time to sufficiently prepare for the hearing on

Defendants' Motion to Dismiss including, but not limited to, the time to prepare the requisite pleadings.

THE PARTIES HEREBY jointly move to continue the hearing on Defendants' Motion to Dismiss Plaintiff's Complaint from July 21, 2008 to August 11, 2008.

DATED: June 25, 2008

NEIL DYMOTT FRANK MCFALL &
TREXLER APLC
MICHAEL I. NEIL

By: /s Michael I. Neil
Michael I. Neil
Attorneys for Plaintiff
BLACKWATER LODGE AND
TRAINING CENTER, INC., dba
BLACKWATER WORLDWIDE

CERTIFICATE OF CONFERENCE

The undersigned hereby certified that counsel for Plaintiff and counsel for Defendants conferred on June 25, 2008, and Defendants do not oppose this motion.

DATED: June 25, 2008

MICHAEL J. AGUIRRE, City Attorney

By: /s Robert J. Walters
Robert J. Walters
George F. Schaeffer
Attorneys for Defendants
KELLY BROUHGTON, THE
DEVELOPMENT SERVICES
DEPARTMENT OF THE CITY OF SAN
DIEGO, AFSANEH AHMADI, and THE
CITY OF SAN DIEGO

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware corporation dba BLACKWATER WORLDWIDE, Plaintiff, v. KELLY BROUGHTON, in his capacity as Director of the Development Services Department of the City of San Diego; AFSANEH AHMADI, in her capacity as Chief Building Official of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, inclusive, Defendants.	Case No. 08 CV 0926 H (Wmc) **DECLARATION OF PROOF OF SERVICE** Courtroom : 13 Judge: Hon. Marilyn L. Huff

I, the undersigned individual, declare: That I am, and was at the time of service of the papers herein referred to, over the age of eighteen years, and not a party to the action; and I am employed in the County of San Diego, California, in which county the within-mentioned mailing occurred. My business address is NEIL, DYMOTT, FRANK, MCFALL & TREXLER APLC, 1010 Second Avenue, Suite 2500, San Diego, California, 92101.

I electronically filed the following documents:

1. JOINT MOTION TO CONTINUE STATUS CONFERENCE;

2. DECLARATION OF PROOF OF SERVICE.

with the Clerk of the United States District Court for the Southern District of California, using the CM/ECF System. The Court's CM/ECF System will send an e-mail notification of the foregoing filing to the following parties and counsel of record who are registered with the Court's CM/ECF System:

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Pursuant to the CM/ECF System, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on June 25, 2008 at San Diego, California.

By: /s Michael I. Neil
Michael I. Neil, Esq.